

SYNOPSIS OF THE LAWS  
PASSED BY THE  
TWENTY-SECOND LEGISLATURE  
OF THE  
STATE OF TEXAS.

HOUSE BILLS.

SECTION 1. Commission created; provides for three commissioners, how appointed, term of office, their qualifications, oath, salary.

Sec. 2. Organization; appointment of secretary, clerks, and experts, and to fix their salaries, name "Railroad Commission of Texas;" seal; office in capitol, etc.; traveling expenses, how paid.

(a) May hold sessions at any place in State.

Sec. 3. Vests power in Commission to adopt, regulate, and enforce rates; duties of railway companies as to depots.

(a) Power to classify freight; (b) to fix rates.

(d) May make different rates for express companies.

(e) and (f) Joint rates for connecting lines.

(g) When partial or special classification may be made.

(h) Power to change classification and rates.

(i) May hear and determine complaints.

(k) May establish passenger rates.

Sec. 4. Notice to be given before establishment of rates; mode of procedure, and powers of Commission in such cases.

Sec. 5. Rates conclusive until set aside by direct action. (See Secs. 6 and 7.)

Sec. 6. When and where suit may be brought to hear complaint against Commission; such action shall have precedence; right of appeal.

Sec. 7. Burden of proof rests upon plaintiff.

Sec. 8. Schedules of classification and rates to be furnished each railroad; railroads shall post same for public inspection.

Sec. 9. Complaint against railroads, how made and investigated; evidence therein when reduced to writing admissible upon trial of causes, when.

Sec. 10. The right to inspect books and papers of any railroad company, etc.; penalty for refusal to permit such inspection.

Sec. 11. Commission to ascertain cost of construction, equipment, etc., of railroads, bonds, indebtedness, etc., amounts paid for salaries and wages; may employ experts; shall, make report to Attorney General and Comptroller.

Sec. 12. Commission may propound questions to railroads to be answered under oath.

(a) Penalty for refusal to answer; may prescribe a system of bookkeeping.

(b) Shall make annual report to the Governor.

(c) Shall investigate all through freight rates, Interstate Commerce Commission to be notified, when.

Sec. 13. Power to summon and compel the attendance of witnesses; fees of witnesses; compensation of sheriffs.

Sec. 14. Extortion defined, and penalty therefor.

Sec. 15. Discrimination defined and prohibited.

(c) Commission may allow special rates for long hauls, when; may make group rates.

(h) Free transportation, when allowed,

Sec. 16. Punishment for false billing, classification, weight, etc.

Sec. 17. Liability of railroads to persons and corporations injured by violation of this act; additional penalty for extortion or discrimination; venue.

Sec. 18. Penalty where not otherwise provided.

**Sec. 19.** Penalties, how recovered, venue; attorneys' fees; rules of evidence; fines payable into State Treasury.

**Sec. 20.** Authorized copies of classification, rates, etc., admissible in evidence.

**Sec. 21.** Duty of Commission to enforce provisions of this act; all suits between the State and railroads to have precedence.

(a) Contracts between connecting railroads to be approved by the Commission.

**Sec. 22.** "Road," "railroad," "railroad companies," and "railroad corporations" defined.

(a) Applies to transportation between points in this State only, and not to street railways, etc.

(b) At least one passenger train a day required. Sundays excepted.

**Sec. 23.** Penalties cumulative.

**Sec. 24.** Emergency clause.

**H. S. S. H. B. Nos. 1, 3, 58.** A bill to be entitled an act to establish a railroad commission for the state of Texas, whereby discrimination and extortion in railroad charges may be prevented, and reasonable freight and passenger tariffs may be established; to prescribe and authorize the making of rules and regulations to govern the commission and the railroads and afford railway companies and other parties adequate remedies; to prescribe penalties for the violation of this act, and to provide means and rules for its enforcement.

**Section 1.** Be it enacted by the legislature of the state of Texas: That a railroad commission is hereby created, to be composed of three persons to be appointed by the governor, as follows: If the legislature be then in session the governor shall, upon the taking effect of this act, or as soon thereafter as practicable, by and with the advice and consent of the senate, if the legislature then be in session, appoint said commission; but if the legislature be not in session, the governor shall make such appointment, and each commissioner so appointed shall hold his office until the second Monday after the inauguration of the next succeeding governor and until his successor is appointed and qualified. Each succeeding governor shall, on the second Monday after his inauguration, or as soon thereafter as practicable, appoint said commissioners, who shall each hold his office until the second Monday after the inauguration of the next preceeding governor, and until his successor is appointed and qualified.

(a) The persons so appointed shall be resident citizens of this state, qualified voters under the constitution and laws, and not less than twenty-five years of age. No person shall be appointed as such commissioner who is directly or indirectly interested in any railroad in this state or out of it, or in any stock, bond, mortgage, security, or in the earnings of any such road; and if such commissioner shall voluntarily become so interested, his office shall become vacant; and if any railroad commissioner shall become so interested otherwise than voluntarily, he shall within a reasonable time divest himself of such interest, failing to do this, his office shall become vacant.

(b) No commissioner hereunder shall hold any office under the government of the United States or of this state or of any other state government; and shall not while such commissioner, engage in any occupation or business inconsistent with his duties as such commissioner.

(c) The governor shall fill all vacancies in the office of commissioner by appointment, and the person so appointed shall fill out the unexpired term of his predecessor.

(d) Before entering upon the duties of his office, each of said commissioners shall take and subscribe to the oath of office prescribed in the constitution, and shall in addition thereto swear that he is not directly or indirectly interested in any railroad, nor in the bonds, stock, mortgages, securities, contracts or earnings of any railroad, and that he will, to the best of his ability, faithfully and justly execute and enforce the provisions of this act and all laws of this state concerning railroads, which oath shall be filed with the secretary of state.

(e) Each of said commissioners shall receive an annual salary of \$4000, payable in the same manner that salaries of other state officers are paid.

**Sec. 2.** The commissioners appointed shall meet at Austin and organize and elect one of their number chairman of said commission. A majority of said commissioners shall constitute a quorum to transact business. Said commission may appoint a secretary at a salary of not more than \$2000 per annum, and may appoint not more than two clerks at a salary of not more than \$1500 per annum each, and such other persons, as experts,

as may be necessary to perform any duty that may be required of them by this act. The secretary shall keep full and correct minutes of all the transactions and proceedings of said commission, and perform such duties as may be required by the commission. The commission shall have power to make all needful rules for their government and for their proceedings. They shall be known collectively as "railroad commission of Texas," and shall have a seal, a star of five points, with the words, "railroad commission of Texas," engraved thereon. They shall be furnished with an office in the capitol at Austin, and with necessary furniture, stationery, supplies and all necessary expenses, to be paid for on the order of the governor.

The commissioners, secretary and clerks shall be entitled to receive from the state their actual necessary traveling expenses, which shall include only the cost of transportation, while traveling on the business of the commission, to be paid out on the order of the governor upon an itemized statement thereof, sworn to by the party who incurred the expense and approved by the commission.

(a) Said commissioners may hold sessions at any place in this state when deemed necessary to facilitate the discharge of their duties.

Sec. 3. The power and authority is hereby vested in the railroad commission of Texas, and it is hereby made its duty to adopt all necessary rates, charges and regulations and to govern and regulate railroad freight and passenger traffics, the power to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger traffics on the different railroads in this state, and to enforce the same by having the penalties inflicted as by this act prescribed, through proper courts having jurisdiction.

(1) It shall be the duty of each and every railway subject to this act to provide and maintain adequate, comfortable and clean depots and depot buildings at its several stations for the accommodation of passengers, and said depot buildings shall be kept well lighted and warmed for the comfort and accommodation of the traveling public, and all such railroads shall keep and maintain adequate and suitable

freight depots and buildings for the receiving, handling, storing and delivering of all freight handled by such roads.

"Provided, that this shall not be construed as repealing any existing laws on this subject."

(a) The said commission shall have power, and it shall be its duty to fairly and justly classify and subdivide all freight and property of whatsoever character that may be transported over the railroads of this state into such general and special classes or subdivisions as may be found necessary and expedient.

(b) The commission shall have power and it shall be its duty to fix each class or subdivision of freight a reasonable rate for each railroad subject to this act for the transportation of each of said classes and subdivisions.

(c) The classification herein provided for shall apply to and be the same for all railroads subject to the provisions of this act.

(d) The said commission may fix different rates for different railroads and for different lines under the same management, or for different parts of the same line, if found necessary to do justice, and may make rates for express companies different from the rates fixed for railroads.

(e) The said commission shall have power, and it shall be its duty to fix and establish for all or any connecting lines of railroad in this state reasonable and just rates of freight charges for the various classes of freight and cars that may pass over two or more lines of such railroads.

(f) If any two or more connecting railroads shall fail to agree upon a fair and just division of the charges arising from the transportation of freight, passengers or cars over their lines, the commission shall fix the pro rata of such charges to be received by each of said connecting lines.

(g) Until the commission shall make the classifications and schedules of rates as herein provided for, and afterwards if they deem it advisable, they may make partial or special classifications for all or any of the railroads subject hereto, and fix the rates to be charged by such roads therefor; and such classifications and rates shall be put into effect in the manner provided for general classifications and schedules of rates.

(h) The commission shall have power and it shall be its duty, from time to time to alter, change, amend or abolish any classification or rate established by it, when deemed necessary; and such amended, altered or new classifications of rates shall be put into effect in the same manner as the originals.

(i) The commission may adopt and enforce such rules, regulations and modes of procedure as it may deem proper, to hear and determine complaints that may be made against the classifications or the rates, the rules, regulations and determinations of the commission.

(j) The commission shall make reasonable and just rates of charges for each railroad subject hereto for the use of transportation of loaded or empty cars on its road; and may establish for each railroad, or for all railroads alike, reasonable rates for the storing and handling of freight and for the use of cars not unloaded after forty-eight hours' notice to the consignee, not to include Sundays.

(k) The commission shall make and establish reasonable rates for the transportation of passengers over each and all of the railroads subject hereto, which rates shall not exceed the rates fixed by law. The commission shall have power to prescribe reasonable rates, tolls or charges for all other services performed by any railroad subject hereto.

Sec. 4. Before any rates shall be established under this act, the commission shall give the railroad company to be affected thereby ten days' notice of the time and place when and where the rates shall be fixed; and said railroad company shall be entitled to be heard at such time and place, to the end that justice may be done; and it shall have process to enforce the attendance of its witnesses. All process herein provided for shall be served as in civil cases.

(a) The commission shall have power to adopt rules to govern its proceedings, and to regulate the mode and manner of all investigations and hearings of railroad companies and other parties before it, in the establishment of rates, orders, charges and other acts required of it under this law; provided, no person desiring to be present at any such investigation by said commission, shall be denied admission.

(b) The chairman and each of the

commissioners, for the purposes mentioned in this act, shall have power to administer all oaths, certify to all official acts, and to compel the attendance of witnesses and the production of papers, way-bills, books, accounts, documents and testimony, and to punish for contempt as fully as is provided by law for the district or county court.

Sec. 5. In all actions between private parties and railway companies brought under this law, the rates, charges, orders, rules, regulations and classifications prescribed by said commission before the institution of such action, shall be held conclusive and deemed and accepted to be reasonable, fair and just, and in such respects shall not be controverted therein until finally found otherwise in a direct action brought for that purpose in the manner prescribed by sections 6 and 7 hereof.

Sec. 6. If any railroad company or other party at interest be dissatisfied with the decision of any rate, classification, rule, charge, order, act or regulation adopted by the commission, such classified company or party may file a petition setting forth the particular cause or causes of objection to such decision, act, rate, rule, charge, classification or order, or to either or all of them, in a court of competent jurisdiction in Travis county, Texas, against said commission as defendant. Said action shall have precedence over all other causes on the docket of a different nature, and shall be tried and determined as other civil causes in said court. Either party to said action may appeal to the appellate court having jurisdiction of said cause, and said appeal shall be at once returnable to said appellate court at either of its terms, and said action so appealed shall have precedence in said appellate court of all causes of a different character therein pending; provided, that if the court be in session at the time such right of action accrues the suit may be filed during such term and stand ready for trial after ten days' notice.

Sec. 7. In all trials under the foregoing section, the burden of proof shall rest upon the plaintiff, who must show by clear and satisfactory evidence that the rates, regulations, orders, classifications, acts or charges complained of are unreasonable and unjust to it or them.

Sec. 8. The said commission shall, so soon as the classifications and schedules of rates herein provided for are prepared by them, furnish each railroad subject to the provisions of this act with a complete schedule in suitable form, showing the classifications of freight made by them and the rates fixed by said commission to be charged by such road for the transportation of each class of freight, and shall cause a certified copy of such classification and schedule of rates to be delivered to each of said railroads at its principal office in this state, if it has such office in this state, and if not, then to any agent of said company in this state, which said schedule, rules and regulations shall take effect at the date which may be fixed by said commission, not less than twenty days. Each of said railroad companies shall cause said schedules to be printed, in types of a size not less than pica, and shall have the same posted up in a conspicuous place at each of its depots, so as to be inspected by the public. Said commission may at any time abolish, alter or in any manner amend the said schedules, or abolish or amend any such regulations, and in that event certified copies of the schedules, rules or regulations, showing the changes therein, shall be delivered to each railroad as herein specified. In all cases where the rates shall not have been fixed by the commission, no changes shall be made except after ten days' notice to, and consent of the commission.

Sec. 9. Any person, firm, corporation or association, or any mercantile, agricultural or manufacturing association, or any body politic, or municipal organization, complaining of anything done, or omitted to be done by any railroad subject hereto in violation of any law of this state or the provisions of this act, may apply to said commission in such manner and under such rules as the commission may prescribe; whereupon, if there shall appear to the commission to be any reasonable grounds for investigating such complaint, it shall give at least five days' notice to such railroad of such charge and complaint, and call upon said road to answer the same at a time and place to be specified by the commission. The commission shall investigate and determine such complaint under such rules and modes of procedure as it may adopt. If the commission find that there has

been a violation, it shall determine if the same was wilful; if it finds that such violation was not wilful it may call upon said road to satisfy the damage done to the complainant thereby, stating the amount of such damage, and to pay the cost of such investigation; and if the said railroad shall do so within the time specified by the commission, there shall be no prosecution by the state; but if said railroad shall not pay said damage and cost within the time specified by said commission, or if the commission find such violation to be wilful, it shall institute proceedings to recover the penalty for such violation and the cost of such investigation. All such complaints shall be made in the name of the state of Texas upon the relation of such complaint. All evidence taken before said commission in the investigation of any such complaint, when reduced to writing and signed and sworn to by the witness, may be used by either party—the state, complainant or the railroad company—in any proceeding against such railroad involving the same subject matter. Provided, further that the commissioners may require the testimony so taken before them to be reduced to writing when they may deem it necessary, or when requested to do so by either party to such proceedings, and a certified copy, under the hand and seal of said commission, shall be admissible in evidence upon the trial of any cause or proceeding growing out of the same transaction against such railroad, involving the same subject matter and between same parties. The provisions of this section shall not abridge nor affect the right of any person to sue for any penalty that may due him under the provisions of this act or any other law of this state.

Sec. 10. The commissioners or either of them, or such persons as they employ therefor, shall have the right, at such times as they may deem necessary, to inspect the books and papers of any railroad company, and to examine under oath any officer, agent or employ of such railroad in relation to the business and affairs of the same. If any railroad shall refuse to permit the commissioners or either of them, or any person authorized thereto, to examine its books and papers, such railroad company shall for each offense pay to the state of Texas not

less than \$125, nor more than \$500 for each day it shall so fail or refuse. Provided, that any person, other than one of said commissioners, who shall make any such demand, shall produce his authority under the hand and seal of said commission, to make such inspection.

(a) Any officer, agent or employe of and railroad company who shall, upon proper demand, fail or refuse to exhibit to the commissioners, or either of them, or any person authorized to investigate the same, any book or paper of such railroad company which is in the possession or under the control of such officer, agent or employe, shall be deemed guilty of a misdemeanor, and upon conviction in any court having jurisdiction thereof, shall be fined for each offense a sum of not less than \$125 and not to exceed \$500.

Sec. 11. The commission shall ascertain as early as practicable the amount of money expended in construction and equipment per mile of every railway in Texas; the amount of money expended to procure the right-of-way, and the amount of money it would require to reconstruct the road bed, track, depots and transportation, and to replace all the physical properties belonging to the railroad.

It shall also ascertain the outstanding bonds, debentures and indebtedness and the amount respectively thereof, when issued and rate of interest, when due, for what purposes issued, how used, to whom issued, to whom sold, and the price in cash, property or labor, if any, received therefor, what became of the proceeds, by whom the indebtedness is held, the amount purporting to be due thereon, the floating indebtedness of the company, to whom due and his address, the credits due on it, the property on hand belonging to the railroad company and the judicial and other sales of said road, its property or franchises, and the amounts purporting to have been paid, and in what manner paid therefor. The commission shall also ascertain the amounts paid for salaries to the officers of the railroad and the wages paid the employes.

For the purpose in this section named the commission may employ sworn experts to inspect and assist them when needed, and from time to time as the information required by this section is

obtained, it shall communicate the same to the attorney-general by report, and file a duplicate thereof with the comptroller for public use. And said information shall be printed from time to time in the annual report of the commission.

Sec. 12. The said commission shall cause to be prepared suitable blanks with questions calculated to elicit all information concerning railroads, and as often as it may be necessary furnish said blanks to each railroad company. Any railroad company receiving from the commission any such blanks shall cause said blanks to be properly filled out so as to answer fully and correctly each question therein propounded, and in case they are unable to answer any question, they shall give a satisfactory reason for their failure, and the said answers, duly sworn to by the proper officer of said company, shall be returned to said commission at this office, in the city of Austin, within thirty days from the receipt thereof.

(a) If any officer or employe of a railroad company shall fail or refuse to fill out and return any blanks as above required, or fail or refuse to answer any questions therein propounded, or give a false answer to any such questions, or shall evade the answer to any such questions, such person shall be guilty of a misdemeanor, and shall on conviction thereof be fined for each day he shall fail to perform such duty after the expiration of the time aforesaid a penalty of \$500, and the commission shall cause a prosecution therefor in the proper court; and a penalty of a like amount shall be recovered from the company when it appears that such person acted in obedience to its direction, permission or request in his failure, evasion or refusal. Said commission shall have the power to prescribe a system of book-keeping to be observed by all the railroads subject hereto under the penalty prescribed in this section.

(b) The said commission shall make and submit to the governor annual reports containing a full and complete account of the transactions of their office, together with the information gathered by such commission as herein required, and such other facts, suggestions and recommendations as may be

by them deemed necessary, which report shall be published as the reports of the heads of departments. The said commission shall have the power and it is hereby made its duty to investigate all through freight rates on railroads in Texas, and when the same are, in the opinion of the commission, excessive or levied or laid in violation of the interstate commerce law, or the rules and regulations of the interstate commerce commission, the officials of the railroads are to be notified of the facts and requested to reduce them or make the proper corrections as the cases may be. When the rates are not changed, or the proper corrections are not made according to the request of the commission the latter is instructed to notify the interstate commerce commission and to apply to it for relief.

Sec. 13. The said commission, in making any examination for investigation provided in this act, shall have power to issue subpoenas for the attendance of witnesses by such rules as they may prescribe. Each witness who shall appear before the commission, at a place outside the county of his residence, shall receive for his attendance \$1 per day and 3 cents per mile, traveled by the nearest practicable route, in going to and returning from the place of meeting of said commission, which shall be ordered paid by the comptroller of public accounts upon the presentation of proper vouchers, sworn to by such witness, and approved by the chairman of the commission. Provided, that no witness shall be entitled to any witness fees or mileage who is directly or indirectly interested in any railroad in this state or out of it, or who is any wise interested in any stock, bond, mortgage, security or earnings of any such road, or an officer thereof, when summoned at the instance of such railroad.

"And no witness furnished with free transportation shall receive pay for the distance he may have traveled on such free transportation."

In case any witness shall fail or refuse to obey such subpoena, said commission may issue an attachment for said witness, directed to any sheriff or any constable of the state of Texas and compel him to attend before the commission and give his testimony upon such matters as shall be lawfully required by

them. If a witness, after being duly summoned, shall fail to attend or to answer any question propounded to him, and which he would be required to answer if in court, the commission shall have the power to fine and imprison such witness for contempt in the same manner that a judge of the district court might do under similar circumstances. The claim that any such testimony may tend to criminate the person giving it shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding provided the commission shall in all cases have the right in its discretion to issue proper process and take depositions instead of compelling personal attendance of witnesses. The sheriff or constable executing any process issued under any other provisions of this bill shall receive such compensation as may be allowed by the commission, not to exceed fees as now prescribed by law for similar services.

Sec. 14. If any railroad company subject to this act, or its agent or officer, shall hereafter charge, collect, demand or receive from any person, company, firm or corporation, a greater rate, charge or compensation than that fixed and established by the railroad commission for the transportation of freight, passengers or cars, or for the use of any car on the line of its railroad, or any line operated by it, or for receiving, forwarding, handling or storing any such freight or cars, or for any other service performed or to be performed by it, such railroad company and its said agent and officer shall be deemed guilty of extortion, and shall forfeit and pay to the state of Texas a sum of not less than \$100 nor more than \$5000.

Sec. 15. If any railroad subject hereto, directly or indirectly, or by any special rate, rebate, drawback or other device, shall charge, demand, collect or receive from any person, firm or corporation a greater or less compensation for any service rendered or to be rendered by it than charges, demands, collects or receives from any other person, firm or corporation for doing a like and contemporaneous service, such railroad shall be deemed guilty of unjust discrimination, which is hereby prohibited.



(a) It shall also be an unjust discrimination for any such railroad to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation or locality, or to subject any particular description of traffic to any undue or unreasonable prejudice, delay, or disadvantage in any respect whatever.

(b) Every railroad company which shall fail or refuse under such regulations as may be prescribed by law or by the commission to receive and transport, without delay or discrimination the passengers, tonnage and cars, loaded or empty, of any connecting line of railroad, and every railroad which shall, under such regulations as may be prescribed by the commission, fail and refuse to transport and deliver without delay or discrimination any passengers, tonnage or cars, loaded or empty, destined to any point on or over the line of any connecting line of railroad, shall be deemed guilty of unjust discrimination, provided perishable freights of all kinds and live stock shall have precedent of shipment.

(c) It shall also be unjust discrimination for any railroad subject hereto to charge or receive any greater compensation in the aggregate for the transportation of a like kind of property or passengers for a shorter than for a longer distance over the same line. Provided, that upon application to the commission any railroad may in special case, to prevent manifest injury, to be authorized by the commission to charge less for longer than for shorter distances for transporting persons and property, and the commission shall from time to time prescribe the extent to which such designated railroad may be relieved from the operations of this provision. Provided, that no manifest injustice shall be imposed upon any citizen at intermediate points. Provided, further, that nothing herein shall be so construed as to prevent the commission from making what are known as "group rates" on any line or lines of railroad in this state.

(d) Any railroad company violating any provision of this section shall be deemed guilty of unjust discrimination, and shall for each offense pay to the state of Texas a penalty of not less than \$500 nor more than \$5000.

(h) Nothing herein shall prevent the carriage, storage or handling of freight free or at reduced rates for the state or for any city, county or town government, or for charitable purposes, or to and from fairs and expositions for exhibition thereof, or the free carriage of destitute and indigent persons, or the issuance of mileage or excursion passenger tickets; nor to prevent railroads from giving free transportation to ministers of religion, or the free transportation of the inmates of hospitals, eleemosynary and charitable institutions, and to the employes of the agricultural and geological departments of this state, or to peace officers of this state; and nothing herein shall be construed to prevent railroads from giving free transportation to any railroad officers, agents, employes, attorneys, stockholders or directors, or to the railroad commissioners, their secretary, clerks and employes herein provided for, or to any person not prohibited by law, provided they or either of them shall not receive from the state mileage when such pass is used.

Sec. 16. Any officer or agent of any railroad subject to this act who, by means of false billing, false classification, false weight or by any other device, shall suffer or permit any person or persons to obtain transportation for property at less than the regular rates then in force on such railroad, or who by means of false billing, false classification, false weighing or by any device whatever, shall charge any person, firm or corporation more for the transportation of property than the regular rates then in force on such railroad, shall be guilty of a misdemeanor, and on conviction thereof fined in a sum of not less than \$100 nor more than \$1000.

Sec. 17. In case any railroad subject to this act shall do, cause to be done or permit to be done any matter, act or thing in this act prohibited or declared to be unlawful, or shall omit to do any act, matter or thing herein required to be done by it, such railroad shall be liable to the person or persons, firm or corporation injured thereby for the damages sustained in consequence of such violation; and in case said railroad company shall be guilty of extortion or discrimination as by this act defined,



then, in addition to such damages, such railroad shall pay to the person, firm or corporation injured thereby a penalty of not less than \$125 nor more than \$500, to be recovered in any court of competent jurisdiction in any county into or through which such railroad may run, provided that such road may plead and prove as a defense to the action for said penalty that such overcharge was unintentionally and innocently made, through a mistake of fact; provided that any such recovery as herein provided shall in no manner affect a recovery by the state of a penalty provided for such violation.

Sec. 18. If any railroad, as aforesaid, shall wilfully violate any other provisions of this act, or shall do any other act herein prohibited, or shall fail or refuse to perform any other duty enjoined upon it, for which a penalty has not herein been provided, for every such act of violation it shall pay the state of Texas a penalty of not more than \$5000.

Sec. 19. All of the penalties herein provided, except as provided in section 17, shall be recovered, and suits thereon shall be brought in the name of the state of Texas in the proper court having jurisdiction thereof in Travis county, or in any county to or through which such railroad may run, by the attorney-general or under his direction; and the attorney bringing such suit shall receive a fee of \$50 for each penalty recovered and collected by him, 10 per cent of the amount so collected to be paid by the state. In all suits arising under this act the rules of evidence shall be the same as in ordinary civil actions, except as otherwise herein provided. All fines and penalties recovered by the state under this act shall be paid into the treasury of the state.

Sec. 20. Upon application of any person the commission shall furnish certified copies of any classification, rates, rules, regulations or orders, and such certified copies, or printed copies, published by authority of the commission, shall be admissible in evidence in any suit and sufficient to establish the fact that any charge, rule, order or classification therein contained, and which may be issue in the trial is the official act of the commission.

A substantial compliance with the requirements of this act shall be sufficient

to give effect to all the classifications, rates, charges, rules, regulations, requirements and orders made and established by the commission, and none of them shall be declared inoperative for any omission of a technical matter in the performance of such act.

Sec. 21. It is hereby made the duty of such railroad commission to see that the provisions of this act and all laws of the state concerning railroads are enforced and obeyed, and that violations thereof are promptly prosecuted, and penalties due the state therefor recovered and collected. And said commission shall report all such violations, with the facts in their possession, to the attorney-general or other officer charged with the enforcement of the laws, and request him to institute the proper proceedings; and all suits between the state and any railroad shall have precedence in all courts over all other suits pending therein.

(a) It shall be the duty of the commission to investigate all complaints against railroad companies subject hereto, and to enforce all laws of this state in reference to railroads. But any two connecting railroads may enter into a contract whereby any part or all of the passengers, freight or cars, empty or loaded, hauled or transported by one and destined to points on or beyond the line of the other shall be delivered to, received and transported by the other, which contract, however, shall be submitted to the railroad commission for examination and approval, and when so approved shall be binding; but if said contract be not approved by the commission the same shall be void. Provided, that any connecting line delivering freight to the owner or consignee of such freight may be sued by the owner thereof in the county where the freight is delivered, for any damage that may be done to such freight in its transportation.

Sec. 22. The terms "road," "railroad," "railroad companies" and "railroad corporations," as herein used, shall be taken to mean and embrace all corporations, companies, individuals and associations of individuals, their lessees or receivers (appointed by any court whatsoever), that may now or hereafter own, operate, manage or control any railroad or part of a railroad in this state, and all such corporations, companies and associations of individuals, their lessees or receivers, as shall do the business of common carriers on any railroad in this state.

(a) The provisions of this act shall be

construed to apply to and affect only the transportation of passengers, freight and cars between points within this state and this act shall not apply to street railways nor suburban belt lines of railway in or near cities or towns.

Sec. 23. This act shall not have the effect to release or waive any right of action by the state or any person for any right, penalty or forfeiture which may have arisen or may hereafter arise, under any law of this state; and all penalties accruing under this act shall be cumulative of each other, and a suit for or recovery of one shall not be a bar to the recovery of any other penalty; and all laws and parts of laws in conflict with this act are hereby repealed.

Sec. 24. The fact that there is no adequate and sufficient law for the regulation of railroads in the transportation of freight and passenger traffic, and the near approach of the close of the present session, creates an imperative public necessity and an emergency, necessitating the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act originated in the House and passed the same by two-thirds vote; yeas 92, nays 5; and passed the Senate by two-thirds vote; yeas 26, nays 0.]

Approved April 3, 1891,

By Mr. Lewis:

House bill No. 14, a bill to be entitled "An act to repeal an act to provide for the inspection of refined oils which are the product of petroleum, and which may be used for illuminating purposes within this State, and to regulate the sale and use thereof and to provide penalties for violation of the same."

The caption fully defines the bill,

By Mr. Gresham:

House bill No. 16, a bill entitled "An act to repeal articles 4278 and 4114 of the Revised Statutes of Texas, and all acts amendatory thereof which continue any of their provisions in effect, and to repeal article 605 in so far as it affects railroad companies.

[The bill provides that articles 4278 and 4114 of the Revised Statutes and all acts amendatory thereof, which contain any provision requiring the construction of any part of a railroad within any specified time from the filing of articles of incorporation or

amendments thereto, and article 605 in so far as it applies to railroad companies be repealed, and any railroad company incorporated under title 84 of the Revised Statutes is hereby vested from the date of its articles of incorporation, both as to railroad now constructed or hereafter constructed, with all of the powers, rights, duties and liabilities which it would have had or now has had said articles and the amendments thereto never existed, and any company whose charter may have expired or whose powers may have been abridged on account of the failure to comply with the provisions of said articles or the amendments thereof, is hereby created, as of the date of filing its original articles of incorporation, with all the powers, rights, duties and liabilities provided for by article 84, and other laws of the state and all acts done, rights acquired and liabilities incurred, which would have been valid, but for said articles and the amendments thereof are hereby authorized, ratified, sanctioned and confirmed.]

Provides that the act shall not be so construed as to receive any claim of such company on subscriptions to its stock, which may have been lost by failure to comply with the provisions of said articles or the amendments thereto.

By Mr. Melson:

House Bill No. 24—A bill to be entitled "An Act to Prohibit Prize Fighting in the State of Texas."

SECTION 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this act any person or persons engaging in any fight between man and man, or between man and bull, or between man and any other animal for a prize or for mere exhibition or amusement of people congregated for that purpose such person or persons so engaging in such fight shall be deemed guilty of a felony and shall be punished by confinement in the penitentiary for not less than ten or more than twenty years.

SEC. 2. If any person contribute or offer to contribute any money or anything of value to procure such fighting as described and prohibited in the above article, he shall be deemed guilty of a felony and shall be punished by confinement in the penitentiary for not less than five nor more than ten years.

By Mr. Perry:

House bill No. 38, a bill entitled "An act to amend article 259, title 8, of chapter 6 of the Penal Code."

[The bill provides that if the commissioners court of any county in this state shall wilfully fail, neglect or refuse to make or cause to be made a tabular statement of the assets, expenditures and indebtedness of such county at each regular term of the said court, specifying therein the names of creditors and the items of indebtedness with their respective dates of accrual, and also the names of persons to whom moneys have been paid, with the amounts paid each during the quarter for which such statement is prepared, or shall wilfully fail, neglect or refuse to publish an exhibit showing the receipts and disbursements for the quarter in some newspaper published in the county (or, if there be no newspaper, then by posting such exhibit in at least four public places in the county) immediately after the first regular term in each calendar year; or shall fail, neglect or refuse to post such exhibit made at the third regular term of said court in each calendar year at the court house door and at least three other public places in the county, the members of the court so failing, neglecting or refusing shall be fined in any sum not less than \$20 nor more than \$100.

By Mr. King of Bell:

House bill No. 39, a bill to be entitled "An act to prevent the acquirement of title to land by ten years possession of the same under certain circumstances."

[The bill provides that no person, firm or corporation, who have now or shall hereafter have within one enclosure more than 2000 acres, including in the same, land belonging to others, shall have any right to claim such land, other than their own, by reason of ten years occupancy or possession of the same, unless such land not their own, has been segregated and separated from all other lands, and fenced in a separate enclosure for a period of ten years, or unless at least one-tenth of the land so claimed has been used for the same period for agricultural purposes. Provides that this act shall be in full force and effect from and after its passage.]

By Mr. Tilson:

House bill No. 42. A bill to be en-

titled "An act to amend title 3, article 9, of the revised civil statutes, and add thereto article 10a, to prohibit the alien ownership of land in Texas."

[The caption fully explains the bill.]

By Mr. Fulton:

House bill No. 43, a bill to be entitled "An act to repeal an act entitled 'An act to amend article 711 of the revised civil statutes defining the boundary of Aransas county.'"

Approved March 17, 1887, and to reenact the former boundary of said county."

[The caption states the contents of the bill.]

By Mr. Agnew:

House bill No. 44, a bill entitled "An act to define and punish usury."

[This bill provides that loaning of money at more than 12 per cent per annum be deemed usury.]

Penalty—Fine not less than one-third nor more than whole of the amount so loaned.

Section 2. Fines so collected to be appropriated to the school fund of the county where offense is committed."

By Mr. Rogers:

House bill No. 52, a bill to be entitled "An act to amend section 9 of an act entitled 'an act to require butchers and slaughterers of cattle to give bond, and to prescribe penalties for the violation of same.'"

[The bill proposes to include "Anderson" in the list of exempted counties, and contains an emergency clause.]

By Mr. Rogan of Brown:

House bill No. 57, a bill to be entitled "An act to amend article 541, chapter 11, title 17 of the revised civil statutes of the State of Texas."

The bill adds the following to the present law:

"Provided, that when any town or city shall re-incorporate under chapters 1 or 11 of title 17, of the revised civil statutes upon a two-thirds vote of the city council, all property, real or personal of the old or de facto corporation shall be vested in the new one; and provided, further, that the new corporation shall assume all the legal indebtedness, contracts and obligations of the old corporation."

The bill contains an emergency clause.

By Mr. Gresham:

House bill No. 60, a bill to be entitled "An act making an appropriation to pay the mileage and per diem of the members and per diem pay of the officers and employes of the Twenty-second Legislature."

[The caption explains the bill.]

By Mr. Gresham:

House bill No. 61, a bill to be entitled "An act making an appropriation to defray the contingent expenses of the Twenty-second Legislature."

[The caption defines the bill.]

By Mr. Martin of Somervell:

House bill No. 64, a bill to be entitled "An act to amend articles 2976, 2977 and 2978 of title 54 of the revised civil statutes relating to interest."

[Fixing rate of interest on contracts, accounts and judgments. When no rate is agreed upon by parties interest to be 6 per cent per annum from maturity of contracts, accounts 6 per cent per annum from time when due and payable. Judgments 6 per cent per annum from date thereof when contract sued on does not show a greater rate of interest not exceeding the highest conventional rate.]

By Mr. Rogan of Caldwell:

House bill No. 77, to be entitled "An act to permit and enable county courts to dispose of certain criminal cases during vacation."

[Provides that the defendant may have the option of being retained by appearance bond or in jail, or appearing before the county judge and pleading guilty to the offense without a jury. Provided the person claiming the rights of this act shall not be fined for a less offense than charged in the complaint.]

By Mr. Tilson:

House bill No. 79, a bill to be entitled, "An act to amend article 1228, 1229, 1280, 1281 and 1282 of the Revised Civil Statutes of the state of Texas."

[Regarding citations: "In article 1228 substitute the word "ten" for the word "five."

Makes article 1229 read: "If the citation is not received in ten days before the return day as provided above, the officer having it shall nevertheless serve it any time before return day, and such service shall be sufficient to compel the defendant to plead by the first day of the next term of court."

Adds to article 1280, "and in all cases wherein the defendant or defendants have been properly, and no answer is

filed by the time the docket is called on the first day of the term, the plaintiff may take judgment by default."

Makes article 1281 read: "It shall be the duty of the court on the first day of each term, at any time after 10 o'clock a. m., or as soon thereafter as practicable, to call in their order all cases on the docket of said court, at which time judgment by default may be taken, juries demanded and such other orders taken as may be warranted."

Makes article 1282 read: "Upon the call of the appearance docket on the first day of the term, or at any time thereafter, the plaintiff may take judgment by default where any defendant has been properly served, and has failed to file his answer."

[Has the emergency clause.]

By Mr. Browning of Lampasas:

House bill No. 90, a bill to be entitled "An act to amend article 528, chapter 7, title 15, of the penal code of the state of Texas, as amended by 'An act of the Twentieth Legislature, approved February 25, 1887.'"

[This bill provides that the definition of rape as contained in article 528, chapter 7, title 25, of the penal code be amended by adding "or the carnal knowledge of a woman other than the wife of the person having such carnal knowledge, with or without consent, and with or without force, threats or fraud, such woman being so mentally diseased at the time as to have no will to oppose the act of carnal knowledge, the person having carnal knowledge of her, knowing her to be so mentally diseased."]

By Mr. Sellers:

House bill No. 96, a bill to be entitled "An act to amend sections 3 and 5 of an act in relation to chattel mortgages and other instruments intended to operate as mortgages or liens upon personal property, and the record thereof."

[This bill provides that the filing of any written instrument in the clerk's office is sufficient proof of its execution, also that when any mortgage or other written lien shall have been fully paid it shall be the duty of the county clerk to return said instrument to mortgagor with the words "Paid in Full" written thereon.]

By Mr. Martin of Somervell:

House bill No. 106, a bill to be entitled "An act to provide for the issu-

ing of certificates to teachers in the public schools of Texas and prescribing their duties as such."

Section 1 provides that three teachers holding first grade certificates shall, upon appointment by the county school superintendent, constitute the examining board and shall charge each applicant for a certificate a fee of three dollars, to be deposited with the county superintendent. (In the absence of teachers holding first grade certificates any other competent persons may be selected.)

Section 2 provides that an applicant to teach school must furnish certificate of good moral character and upon such evidence he is to be recommended by the superintendent to the board for examination. This section also designates the branches of study in which the applicant for first, second and third grade certificate is to be examined, the manner of the board's return to the superintendent, etc.

In all examinations an average of at least 70 per cent is required in all branches.

A third grade certificate to be valid one year; second grade one year only, unless a general average of 80 per cent is acquired upon examination, and in that case the certificate holds valid two years; first grade valid only one year unless a general average of not less than 90 per cent is made, in which it is valid for three years.

Section 4 makes it the duty of the teachers to attend the summer normal and county institutes as far as possible.

Section 5 fixes salaries of teachers as follows: First grade, \$75; second grade, \$50; third grade, \$30, the limitation of salaries not to affect districts where the local school tax is levied. Children over and under scholastic age are to be admitted when there is room for them.

Section 6 requires teachers to keep daily registers open to the inspection of the public; requires teachers to make monthly and scholastic term reports under oath, and upon monthly reports vouchers for their salaries will be issued.

Section 7 recognizes diplomas from a Texas state normal school, or from the Peabody normal school of Nashville, Tenn., during good behavior of the holder, without subjecting the holder to examination.

Section 8 prescribes that any teacher who shall pass a satisfactory examination as prescribed by the state; r-

intendent, and shall make an average grade of not less than 70 per cent, shall be entitled to a state certificate, good for three years throughout the state; an average of 80 per cent. secures a valid certificate for five years; an average of not less than 90 per cent. secures a certificate good ten years. This section also prescribes the manner of conducting such examination.

Section 9 provides that a city or town with a scholastic population of not less than 1000, which has assumed control of its schools and has a school superintendent, may have a city board of examiners, and it proceeds to define their duties and methods to be employed in issuing certificates to teachers.

Section 10 stipulates that a county certificate shall be valid only in the county in which it is issued; a city certificate to be valid only in the city in which it is issued, and a certificate from a Texas state normal school, a diploma from a Texas state normal or Peabody normal school of Nashville, Tenn., or a summer normal school certificate shall be valid anywhere in the state unless cancelled by authority issuing same.

Section 11 provides for the repeal of all conflicting laws.]

By Mr. Clegg:

House bill No. 112, a bill to be entitled: "An act to amend an act amending chapter 11, title 17, of the revised Civil Statutes of the state of Texas, so that towns and villages may be incorporated for free school purposes passed by Seventeenth Legislature, Approved April 16, 1881."

[This bill provides that towns, cities or districts may incorporate for school purposes only; provided the territory embraced in the boundaries of such incorporation shall not exceed four miles square.

The bill contains an emergency clause.]

By Mr. Derden:

House bill No. 118, a bill to be entitled, "An act to amend article 1574, title 32 of the revised civil statute of the state of Texas."

[This bill provides that article 1574, title 32 of the revised civil statutes be amended by adding the words, "or receiver," in section 6 in said article.]

By Mr. Martin of Somervell:

House bill No. 121, a bill to be entitled, "An act to amend article 222, title 12, of the revised civil statutes."

[This bill provides that an attorney holding diploma from the law department of the state university of Texas shall receive license to practice in any of the courts of the state without being examined for the same.]

By M. Erskine:

House bill No. 129, a bill to be entitled "An act to protect stockraisers, farmers and horticulturists."

[The bill provides for the destruction of wolves and other wild animals, and to make appropriation for the same.]

By Mr. Lewis:

House bill No. 135, a bill to be entitled "An act to restore to and confer upon the county court of Nacogdoches county the civil and criminal jurisdiction heretofore belonging to it under the constitution and general laws of the state, and to conform the jurisdiction of the district court of said county to such charge.

[The caption states the bill.]

By Mr. Swayne:

House bill No. 136, a bill to be entitled "An act making abstracts of land titles or land title books to lands in this state compiled from the records of any county in this state prior to the year 1880, which said records have been partially or wholly destroyed from any cause prior to the year 1880 prima facie evidence of the truth of the data or memoranda shown by such abstracts of land titles or land title abstract books, subject to certain conditions."

[The bill provides that abstracts of land titles certified to by the compiler shall be received as testimony as to the validity of titles.]

By Mr. Baker of Tom Green:

House bill No. 139, a bill to be entitled "An act to diminish the civil and criminal jurisdiction of Irion county, in this state."

[The caption states the contents of the bill.]

By Mr. Baker of DeWitt:

House bill No. 142, a bill to be entitled "An act to fix the time for holding the Twenty-fourth judicial district."

[Fixed time as follows:

Refugio, second Monday after second Monday in February, and on first Monday in September, one week.

Bee, third Monday after second

Monday in February and the first Monday in September, two weeks.

Karnes, fifth Monday after the second Monday in February and the first Monday in September, two weeks.

Goliad, seventh Monday after the second Monday in February and the first Monday in September, three weeks.

Calhoun, tenth Monday after second Monday in February and the first Monday in September, one week.

Victoria, eleventh Monday after the second Monday in February and the first Monday in September, four weeks.

DeWitt, fifteenth Monday after the second Monday in February and first Monday in September, until business is disposed of.

Repeals all conflicting laws and has the emergency clause.]

By Mr. Connelley:

House bill No. 162, a bill to be entitled "An act to reorganize the Thirty-first, Thirty-second, Thirty-third, Thirty-fifth and Thirty-ninth Judicial districts, and to create the Forty-second Judicial district of the state of Texas, and to fix the times of holding courts therein, and to provide for the appointment and election of judges and district attorneys in the Thirty-second and Forty-second Judicial districts, and to repeal all laws and parts of laws, in conflict herewith, approved March 31, 1887."

[The bill provides that the Forty-second Judicial district of the state of Texas shall be composed of the counties of Comanche, Eastland, Stephens and Shackelford, Callahan and Taylor, and set forth the times of holding courts in said counties.]

By Mr. Kleiber:

House bill No. 211, a bill to be entitled "An act to amend section 1 of an act entitled an act to amend section 46, chapter 25, of the acts of 1885, entitled "An act to amend chapter 79, of the acts of 1883, entitled "An act to amend chapter 48, of an act to encourage stockraising and to protect stockraisers, approved April 22, 1879, and amended April 4, 1881, and April 12, 1880, and March 27, 1887, and March 29, 1889."

[The main object and purpose of this bill puts the counties of Cameron, Duval, Encinal, Webb, Zapata, Starr and Hidalgo back under the inspection law. Section 2 is an emergency clause.]

By Mr. Cochran:

House bill No. 214, with accompanying petitions, a bill to be entitled "An act to amend article 186a of 'An act to amend article 183 of the penal code of Texas' and to amend an act entitled 'An act to amend article 186 of the penal code,' approved April 10, A. D. 1883, chapter 2, title 7, and to amend said chapter and title by adding thereto article 186a, providing additional exemptions from the operations of the Sunday law, approved April 2, 1887, so as to leave off of the exemptions barber shops."

[The object of the bill is to close barber shops on Sundays and the accompanying petitions pray for the passage of the bill.]

By Mr. Cochran:

House bill No. 216, with petition of the members of the Dallas bar: A bill to be entitled "An act to amend articles 1006 and 1008 of an act passed by the Twenty-first legislature, approved February 21, 1889, entitled "An act to amend articles 1006 and 1008 of an act passed by the Twentieth legislature, approved March 25, 1887, entitled 'An act to amend articles 1006 and 1008 of an act passed by the Nineteenth legislature, approved March 25, 1885, entitled 'An act to amend articles 1006, 1007 and 1008 of 'An act entitled an act to amend articles 1006, 1007 and 1008 of the revised civil statutes of the state of Texas, approved February 21, 1879, passed by the Eighteenth legislature and approved April 9, 1883."

[The object of this bill is to change Dallas county from the Austin branch of the higher courts, and make her returnable to either Tyler or Galveston.]

By Mr. Browning of Donley:

House bill No. 230, a bill to be entitled "An act to amend article 767 of the Revised Statutes of the State of Texas."

[The proposed amendment reads as follows:

"Beginning at the northeast corner of Armstrong county and the southeast corner of Carson county, and southwest corner of Gray county; thence east 30 miles, thence north 30 miles; thence west 30 miles to the beginning. The bill contains an emergency clause."]

By Mr. Swan:

House bill No. 234, a bill to be en-

titled "An act validating the records of deeds, judgments and other muniments of title conveying or affecting lands in Archer, Wichita, Wilbarger, Baylor, Hardeman and Knox counties, between February 10, 1874, and April 23, 1879."

[The counties mentioned in caption and supposed and recognized to have been attached to Clay county for judicial purposes from 10th of February, 1874, to April 23, 1879.

Records of all deeds, judgments and other muniments of title affecting lands lying in Archer, Baylor, Wilbarger, Wichita, Hardeman and Knox, or either of them, recorded in Clay county between years cited in caption, are hereby validated and admissible in any suit or suits, same as if originals were recorded in proper counties.

Transcript or transcripts so recorded or to be hereafter recorded in Clay county are hereby validated and shall be deemed good and sufficient as if made from the original record in Clay county.]

By Mr. Browning of Donley:

House bill No. 236, a bill to be entitled "An act to make valid and to confirm contracts of sale made by the land board of the state of Texas, with divers persons for the sale of free school, university and asylum lands of the state of Texas, sold under the act of the Legislature of the state of Texas, approved April 12, 1883."

[The caption explains the objects and purposes of the bill.]

By Mr. Terrell:

House bill No. 242, a bill to be entitled "An act to authorize the transfer of the Confederate Home at Austin from private to state management, and to establish said Home as a state institution and provide for its support."

The bill provides as follows:

Whereas, The home for the support of maimed, disabled and indigent ex-confederate soldiers and sailors, established at Austin by the contributions of the humane and benevolent of all sections of the Union, which has been managed for some years with marked economy by the John B. Hood camp of confederate veterans, a private corporation duly incorporated under the laws of the State of Texas, cannot, without rapid exhaustion of its resources provide for the increasing number of veterans, who by reason of age



and infirmity are unable to obtain, by their own exertions, the necessary means of subsistence; and

Whereas, It is not deemed to be within the constitutional power of the legislature to contribute to the maintenance of said Home, as a private institution; and

Whereas, It is now proposed by the said John B. Hood camp, confederate veterans, to transfer to the State of Texas, the present Confederate Home, situated on West Sixth Street, city of Austin, Travis county, Texas, on condition that the State shall assume the control and maintenance of said Confederate Home, and it is most fitting that the State should make some adequate provision for this large and increasing class of helpless and indigent citizens; now, therefore,

Section 1. Be it enacted by the Legislature of the state of Texas, that there shall be established and maintained, at the city of Austin, a home, to be known as "The Texas Confederate Home," for the maintenance of indigent and disabled ex-Confederate soldiers and sailors within this state, the same to be located on the ground now known as the Confederate Home, and now under the control and management of the John B. Hood Camp, Confederate Veterans, provided that the said John B. Hood camp, Confederate Veterans, shall, within twenty days from the time this act shall go into effect, make and execute to the state of Texas, in the manner herein provided, a deed of transfer of the said real estate, and all the personal property of every description now in and on said grounds, and shall also release and relinquish to the state all its interest in the building known as the temporary capitol, which they acquired by virtue of a certain lease executed in the name of the state of Texas, in pursuance of an act passed at the regular session of the Twenty-first Legislature, entitled "An act to lease the temporary capitol building, in the city of Austin, to the board of directors of the John B. Hood Camp of Confederate Veterans."

Section 2. The deeds and other instruments conveying property for the purposes herein mentioned, shall be in the name of the state of Texas for the use of the Confederate home.

Section 3. The Governor shall appoint a board of five ex-Confederate soldiers for the management of said home, said managers to remain in

office two years, or until their successors are appointed; and they shall be governed in their regulation of the affairs of said home by the laws now in existence relative to the deaf, dumb and blind institutes of the state, so far as the same may be applicable, and shall make and prescribe such rules and regulations as may be necessary for the internal government, discipline and management of the home, and the said board of managers shall also have charge of all the property received from the John B. Hood camp, Confederate veterans, or from any other source, for the maintenance of said home. Said board of managers shall make annual reports to the Governor, on the 1st day of each December, embracing a full statement of all expenditures and transactions of the institution for the fiscal year next preceding. They shall visit the home at least once each month.

Section 4. The said board of managers shall appoint a superintendent, who shall be an ex-confederate soldier, whose duties of office shall be the supervision of the affairs of said home, keeping the accounts of the same and its general management under the direction of the board of managers. He shall be under the control of and subject to removal (for cause duly spread upon the records of said home) by said board, and unless sooner removed by said board for cause, shall hold his office for the term of two years or until his successor shall be appointed. In addition to his other duties he shall keep in a book prepared for that purpose the name and age of each inmate, date of admission to the home, the company and regiment or other command or capacity in which the military service was performed and the state from which he entered the service and such other data concerning the history of the inmates as the board of managers may prescribe.

Section 5. The superintendent of said home shall receive a salary of fifteen hundred dollars per annum.

Section 6. All applications for admission to said home must show, on the oath of the applicant, first, name of applicant; second, his age; third, his residence (county and post-office address); fourth, the company, regiment, brigade and army in which he served; fifth, that he is disabled and indigent, and is now and has been a resident of the state of Texas for twelve months next preceding; the filing of his application.

Proof of the honorable service of applicant, as stated by himself, must be made by affidavit of two reputable persons. The application must, also, be accompanied by a certificate of a regular practicing physician that the applicant is unable to provide a support for himself, giving the character of the disability, and that the applicant is not a lunatic, and is not afflicted with any contagious or infectious disease.

Section 7. All applicants for admission to said home, shall be referred to, and passed upon by the Board of Managers.

Section 8. For the purpose of carrying into effect this law, the sum of twenty-five thousand dollars is hereby appropriated to provide the necessary additional buildings, and the sum of fifty thousand dollars is hereby appropriated for the maintenance of said home for the two years ending March 1, 1893.

Section 9. Whereas. There is now a large number of worthy applicants for admission to the home, who are without homes, and the necessary means of support, but who cannot be admitted on account of the want of room; and

Whereas, It is important to said applicants, that this bill should become a law at an early day; therefore an emergency exists requiring that this act should take effect, and be in force, from and after its passage, and it is so enacted.

By Mr. Baker of Tom Green:

House bill No. 246, a bill to be entitled "An act to reorganize the Thirty-fifth Judicial district, and to create the Forty-eighth Judicial district of this State."

[The Thirty fifth district shall be composed of the counties of Brown, Coleman, Concho and McCulloch, and district courts shall be held as follows:

Brown county, first Mondays in February, and September, five weeks.

Coleman—Fifth Mondays after first Mondays in February and September, four weeks.

McCulloch—Eleventh Mondays after first Mondays in February and September, till business is disposed of.

Forty-eight district—Runnels, Coke, Irion, Sutton and Tom Green, and courts shall be held as follows:

Runnels—First Mondays in September and February, three weeks.

Coke—Fourth Mondays after first Mondays in September and February, two weeks.

Irion—Sixth Mondays after the first Mondays in September and February, two weeks.

Sutton—Eighth Mondays after first Mondays in September and February, one week.

Tom Green—Ninth Mondays after first Mondays in September and February, until business is disposed of.

The judge of the 35th district, as now constituted, shall continue and perform duties of judge of the new (48) district until his present term of office expires. When this act goes into effect, the governor shall appoint a judge of the 35th and district attorney of the 48th district. All process, etc., issued before this act goes into effect, June 30, 1891, shall be returnable to any county in either district, and such returns are hereby legalized, and the remainder of the section conforms the drawing and empaneling of grand and petit jurors to this bill, which contains an emergency clause.]

By Mr. Lloyd:

House bill No. 256, a bill to be entitled, "An act to amend article 4662 of the revised statutes of the State of Texas and fix the rate of taxation for the maintenance of public free schools at twenty cents on the hundred dollars."

[The amendment is fully explained in the caption.]

By Mr. Connelley:

House bill No. 275, a bill to be entitled "An act to regulate rates of charges to be made by express companies for the transportation and delivery of all such articles, freight, money, papers and packages of any kind; to require such express companies to receive and promptly deliver same, and to make all such express companies subject to the control and regulation of the railroad commission of the State and to prescribe penalties for the violation of this act.

[The caption fully explains the purposes of the bill.]

By Mr. McKinney:

House bill No. 276, a bill to be entitled "An act to amend title 8 of the revised civil statutes of Texas by adding thereto article 101a."

[The proposed new article provides that where a convict shall be discharged from one of the state penitentiaries and is insane at the time of his discharge, and shall be adjudged in-

sane in the county in which such penitentiary is situated within thirty days after such discharge, the expenses of conveying said patient to the asylum shall be paid by the county from which he was sent to said penitentiary upon a sworn account as provided in the preceding article, accompanied by a certificate of the superintendent of the penitentiaries, showing the date of the discharge of said convict and the county from which he was received, and a certificate of the county judge of the county in which said convict was adjudged insane under his official seal, showing the fact of such adjudication and the date thereof, and if said patient shall not have the articles provided for in article 120 of this chapter, they shall be furnished to him by the superintendent of the penitentiaries at the expense of the state.]

By Mr. Gresham:

House bill No. 290, a bill to be entitled "An act making appropriations for estimated deficiencies in the appropriations for the support of the state government from March 1 1889 to February 28, 1891."

[Section 1. Be it enacted by the legislature of the state of Texas, That the following sums or so much thereof as may be necessary be and the same are hereby appropriated for estimated deficiencies incurred in support of the state government from March 1, 1889, to February 28, 1891, and for previous years:

#### OFFICERS AND MEN — QUARANTINE DEPARTMENT.

Registered.....\$19,331 90  
Estimated..... 17,000 00

#### ATTACHED WITNESSES.

Registered.....\$17,458 23  
Estimated..... 35,000 00

#### SPECIAL JUDGES.

Registered..... 3,241 00  
Estimated..... 1,000 00

#### REPAIRS AT LUNATIC ASYLUM.

Registered.....\$ 917 29  
Estimated..... 4,000 00

#### FOR MEDICAL STORE—LUNATIC ASYLUM.

Registered.....\$ 87 85  
Estimated..... 400 00

For pay of veterans under general laws.....\$15,000 00  
Holding inquests over dead convicts..... 500 00  
For advertising citations in escheated estates..... 2,000 00

#### TREASURY DEPARTMENT.

##### MISCELLANEOUS.

Postage.....\$ 100 00  
Contingent..... 25 00  
Work on safes, vaults, doors, time lock, etc..... 110 00  
Mileage and per diem of the Twenty-first legislature.... 3,273 80  
Publishing constitutional amendments..... 20,000 00  
Public printing..... 7,000 00  
Fees of justices and other peace officers..... 3,000 00

By Mr. Adkins:

House bill No. 296, a bill to be entitled "An act to provide the manner and means of working the public roads of this State, and defining the powers of county commissioners courts in reference thereto."

[This bill provides that the county commissioners court of any county may appoint a supervisor of roads for each commissioner's precinct of such county, who shall hold his office for two years, subject to removal by said county commissioners court, who shall perform all the duties with reference to the public roads in his precinct as may be prescribed by such court, and shall receive an annual salary to be fixed by such court not to exceed \$400, and who shall execute a bond for the faithful performance of the duties of their office. It provides that such supervisors shall divide their respective precincts into road sections of convenient sizes and to employ a section boss for each section who shall take charge of and work all hands apportioned to his section. It gives such supervisors power to call out all hands liable to road duty in their precincts and provides that the persons liable to road duty may, by paying to the county treasurer, on or before the first day of January of each year the sum of \$2.50, be exempt from road duty for such year. It also provides that such monies, together with all sums paid by any road hands in lieu of their days of service when summoned, and all fines collected from those prosecuted for failing and refusing to work the roads, shall go to the road fund of the precinct in which

such person or persons were summoned to work. It also provides that the county commissioners court may, if they deem it advisable, work any road in any precinct by contract, to be paid for out of the fund of such precinct. It also provides that all county convicts may be worked on such public roads, and also provides that such road supervisors shall hire hands, teams, tools, etc., with which to work such public roads, to be paid out of the road fund of his precinct not otherwise appropriated, the wages of such hands and the hire of such teams, etc., to be regulated by the commissioners court and prescribes penalties for the violation of the duties of such section bosses and hands.]

By Mr. Baker of Tom Green:

House bill No. 307, a bill to be entitled an act to create the county of Sterling out of Tom Green county. [The caption recites the purpose of the bill and has a map of the proposed county accompanying the bill.]

By Mr. Urbahn:

House bill No. 325, a bill to be entitled "An act to amend an act approved March 25, 1889, being 'an act to amend an act to re-enact section 28 of an act to redistrict the state into judicial districts and fix the time for holding court therein and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, and to amend said section 28, of said act, approved February 26, 1885, and to create the Forty-ninth judicial district, to provide for the appointment and election of a district judge and district attorney therein, and to repeal all laws in conflict herewith.' "

[The new district created shall be composed of the counties of Webb, Encinal, Duval and Zapata, leaving the Twenty-eighth district composed of Nueces, Cameron, Hidalgo and Starr.

Courts shall be held as follows:

In Cameron County—First Mondays in February and September, and may continue in session four weeks.

Hidalgo County—Fourth Monday after first Monday in February and September, three weeks.

Starr County—Sixth Monday after first Monday in February and September, three weeks.

Nueces county—Ninth Monday after

first Monday in February and September, six weeks.

Webb county—First Mondays in June, May and September, six weeks.

Duval county—Fifth Monday before first Monday in May, and on the sixth Monday after the first Monday in September, three weeks.

Zapata county—Second Monday before first Monday in May and on the ninth Monday after the first Monday in September, two weeks.

The unorganized county of Encinal is attached to Webb for judicial purposes.

The judge and attorney heretofore elected and now acting for the Twenty eighth district shall continue as they are, while the remainder of the bill provides for the appointment of a judge and attorney in the new district.

The bill contains an emergency clause.]

By Mr. Swayne:

House bill No. 326, a bill to be entitled "An act to amend sections 6, 7, 26, 27, 28, 29, 30, 31, 34, 35, 36, 37, 47, 56, 57, 58, 64, 76, 78, 82, 85, 86, 87, 88, 95, 102, 109, 115 and 143 of an act entitled 'An act to incorporate the city of Fort Worth and to grant a charter to said city, approved March 20, 1889, and by adding thereto sections 28a, 30a, 34a, 53a, 53b, 79a, 87a, 87b, 87c, 159a, 159b and 159c.' "

[The sections proposed to be added are in substance as follows:

Section 28a. To create the office of city judge in lieu of the office of recorder of the city of Fort Worth. Under the amendment proposed, the city judge shall be selected by the city council; he shall be a qualified voter in said city; shall be a person learned in law, and shall hold office two years.

Section 34a provides that the city council shall designate the bank or banks with which the city treasurer is to deposit the city's funds, said bank to deliver to the city treasurer a good and sufficient bond, subject to the approval of the city council.

Section 30a provides that jurors in the city courts shall be residents of the city, and possessed of the same qualifications required of jurors in the State courts. They may be selected as the council may by ordinance prescribe.

Section 53a provides that the city council shall have power to license tax and regulate hackmen, draymen, omnibus drivers, baggage wagon drivers and drivers of vehicles of every

kind and all others pursuing like occupations with or without vehicles, to prescribe their compensation and fix and enforce penalties for violation.

Section 53b provides that the city council shall have power to provide for sprinkling the streets and alleys of the city and by a two-thirds vote of the entire city council to levy a special tax for that purpose, the assessment and collection of such taxes to be regulated as far as practicable by the rules governing street improvement as laid down elsewhere in the charter.

Section 79a confers upon the city council the power to require property owners to keep their premises clear of weeds.

Section 87 confers upon the city council the rights to issue bonds to be known as the Fort Worth water works bonds to the extent of \$1,000,000 including the bonds heretofore issued by the Fort Worth water works company and the \$100,000 of bonds heretofore issued by the city for water works purposes; to provide for the payment of interest and sinking fund for the bonds to be hereafter issued under the provisions of this section by pledging the credit of the city and the income and property of the water works plant, and the electric light plant now owned by the city; provided that the bonds mentioned in this section shall not be construed or considered in determining whether at any time the amount of bonds issued by the city is in excess of the limit of six per cent of the value of the property within the city subject to ad valorem tax, as provided by section 87 of this charter. The moneys realized from the sale of the bonds shall be applied only to improvement and extension of the water works plant and the electric light plant.

Section 87b invests the city council with power, by a two-thirds vote of all the aldermen elected, to authorize issuance of the city's negotiable promissory notes for any of the purposes named in the first clause of this section, where the same may be needed for current expenses, in any sum or sums the council may direct at any rate not to exceed 8 per cent per annum, payable at any time not exceeding five years from and after their date, but the amount of such notes shall not at any time exceed \$100,000.

Section 87c gives the council power to issue bonds at any time for the purpose of paying off and retiring outstanding bonds against the city and

such bonds issued for this purpose shall not be construed or considered in determining whether at any time the amount of bonds issued by the city is in excess of the limit of 6 per cent of the value of the property within the city subject to ad valorem tax as provided by section 87 of this charter.

Section 159a provides that no suit for damages shall ever be sustained against the city unless suit is commenced within three months from date of cause of action.

Section 159b provides that before the city of Fort Worth shall be liable for damages of any kind the person injured or someone in his behalf shall give the mayor or city council notice in writing of such injury within thirty days after the same has been received, stating when, where and how the injury occurred and the extent thereof.

Section 159c exempts from liability under any writ of execution or cost bill property, personal and real, belonging to the city; exempts also all moneys of the city from garnishment on account of any debt and provides that no city officer or agent of Fort Worth shall be required to answer any writ of garnishment.

By Mr. McKinney:

House bill No. 333, a bill to be entitled "An act to rescind and annul the charter and dissolve the corporation known as the Bowers and Piney Creek Railway company, and to exempt said company from all further duties and obligations thereunder.

[The caption fully explains the bill.]

By Mr. Cochran:

House bill No. 339, a bill to be entitled "An act to amend sections 10, 21, 28, 94, 120, 140, 158 and 161, of an act to incorporate the city of Dallas and grant it a new charter, approved March 13, 1889.

[The bill grants to the city all the rights it now has under its present charter, and principal among the proposed amendments is the extension of the city boundaries; to provide for re-districting and changing the wards; to increase the jurisdiction of the city court so as to empower it to punish all misdemeanors over which the justices' and county court now have jurisdiction, which are committed within the city limits; to change the mode of condemnation of property for street and other purposes; to change the law regulating the government of the public

schools of the city; to give the city power to increase the bonded indebtedness of the city to \$3,000,000, and to limit the same; to make certain changes in the duties and qualifications of the officers of the city.]

By Messrs. Jester and Tolbert:

House bill No. 349, a bill to be entitled "An act to carry into effect the constitutional amendment empowering counties to determine by vote whether fifteen cents road tax shall be levied by county commissioners court.

[Section 1 requires the commissioners court to order an election to determine the question of levying such tax, when twenty-five or more qualified property holding tax paying citizens of each commissioners precinct of a county shall petition for such election.

Sections 2, 3 and 4 prescribe the manner of ordering and conducting such elections.

Section 5 provides that all who are legal, qualified voters of the state and county and who are resident property tax payers, shall be entitled to vote. The remainder of this section prescribes the method of making the returns and declaring the vote.

Section 6 empowers the commissioners to levy a tax not exceeding fifteen cents on the one hundred dollar valuation in case a majority of the votes are cast for the levy of the tax, said tax to be assessed and collected as other taxes and used for road purposes exclusively.

By Mr. Martin of Wise:

House bill No. 381, a bill to be entitled "An act to amend section 31 of an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78 of the revised civil statutes as refer to public free schools outside of cities and towns, assuming or having assumed control of their public schools, and all laws and parts of laws in conflict with this act, passed by the special session of the Eighteenth Legislature which was presented to the Governor for his signature on the 6th day of February, 1884, and became a law without his approval."

[The only change the bill makes in the present law is by inserting after the word "district" in line 2, section 31, the following: "Or a majority of such voters in any district."]

By Mr. Wilson of Harrison:

House bill No. 386, a bill to be entitled "An act to define who are fellow-servants and who are not fellow-servants."

[Parties who are entrusted in railway corporations with authority of superintendence, control or command of other persons or with authority to direct other employes, are vice principals and are not fellow servants. Parties in the common service of railway corporations and working to a common purpose, not being entrusted with superintendence over their fellow employes, are fellow servants with each other. Provided, That nothing herein contained shall be construed to make employes of such corporations in service of such corporation fellow servants with other employes of such corporation engaged in any other department of service of such corporation; conductors and engineers of any train shall not be deemed fellow servants with each other nor with the brakemen and baggagemaster of any such train, but the conductor of any such train shall be deemed the vice-principal of such corporation with reference to all other trainmen, and engineers shall be deemed vice-principals of such corporation only with reference to the brakemen and baggagemaster of such train.]

By Mr. Robison:

House bill No. 387, a bill to be entitled "An act to restore to and confer upon the county court of Marion county the civil jurisdiction heretofore belonging to it under the constitution and general statutes of the state, and to conform the jurisdiction of the district court of said county to such change."

[Caption explains the purposes of the bill.]

By Mr. Gresham:

House bill No. 400, a bill to be entitled "An act making appropriations for the support of the state government for the years beginning March 1, 1891, and ending Feb. 28, 1893, and for other purposes."

[This is the general appropriation bill.]

By Mr. King of Bowie:

House bill No. 413, a bill to be entitled "An act to amend section 5 of an act approved April 2, 1887, entitled an act to amend section 5 of an act approved February 6, 1884, entitled an

act to amend sections 5, 7, 26 and 39 of an act to re-district the State into judicial districts, and to fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883."

[Changes time of holding district court in the counties of the Fifth judicial district:

Cass, first Monday in February and first Monday in August, four weeks.

Bowie, fourth Monday after first Monday in February, and fourth Monday in August, five weeks.

Morris, ninth Mondays after same, two weeks.

Titus, eleventh Mondays after same, two weeks.

Franklin, thirteenth Mondays after same, two weeks.

Camp, fifteenth Mondays after same, three weeks.

Marion, eighteenth Mondays after same, four weeks.

Repeals all conflicting laws, and has the emergency clause.]

By Mr. Baker of Tom Green:

House bill No. 416, a bill to be entitled "An act to validate deeds made by the town of San Elizario, while acting under the general incorporation laws."

[The purposes of the bill are explained in the caption, and it is accompanied by a certificate from W. B. McLachlen, notary public, El Paso, Texas, that due and legal notice of intention to apply to the legislature for the passage of this has been published in the Tribune, a paper published in the county of El Paso, Tex. Has the emergency clause.]

By Mr. Baker of Tom Green:

House bill No. 417, a bill to be entitled "An act to validate all deeds made by the town of Socorro while acting under the general incorporation laws."

[The purposes of the bill are explained in the caption and contains the emergency clause.]

By Mr. Owsley:

House bill No. 430, a bill to be entitled "An act to amend article 4238 of the revised statutes of the State of Texas as amended by the act approved April 8, 1889."

[Under the amendment proposed article 4238 will read as follows:

"Every railroad company doing business in this state shall keep its depots or passenger houses in this State lighted and warmed and open to the ingress and egress of all passengers who are entitled to go therein, for a reasonable time before the arrival and after the departure of all trains carrying passengers on such railroad, and every such railroad company for each failure or refusal to comply with the provisions of this act shall forfeit and pay to the State of Texas the sum of \$50, which may be sued for and recovered in the name of the State in any court of competent jurisdiction, and shall be liable to the party injured for all damages by reason of such failure."

Section 2 is an emergency clause.]

By Mr. Browning of Donley:

House bill No. 448, a bill to be entitled "An act to reorganize the Thirty-second and Thirty-ninth judicial districts, and to create the Fiftieth judicial district of the State of Texas, to fix the time for holding courts therein, to provide for the appointment and election of a judge and district attorney in the Fiftieth judicial district, and to repeal all laws in conflict herewith."

[This bill makes the Thirty-second district consist of the counties of Nolan, Mitchell, Howard, Martin and Midland and the unorganized counties of Andrews, Gaines, Dawson, Borden, Terry, Yoakum and Glasscock. Courts shall be held therein as follows:

Midland, first Mondays in February and September, and may continue two weeks.

Martin, third Mondays in February and September, two weeks.

Howard, fourth Mondays after first Mondays in February and September, three weeks.

Nolan, seventh Mondays after first Mondays in February and September, four weeks.

Mitchell, eleventh Mondays after the first Mondays in February and September and may continue till the business is disposed of.

The unorganized counties of Gaines, Terry, Yoakum and Andrews are attached to the county of Martin for judicial purposes, and the unorganized counties of Borden, Dawson and Glasscock are attached to Howard county.

The Thirty-ninth judicial district is composed of the counties of Jones, Fisher, Scurry, Stonewall, Haskell and Throckmorton, and the unorganized counties of Kent and Garza. Courts shall be held as follows:



Jones—First Mondays in February and August, and may continue in session five weeks.

Throckmorton—Fifth Monday after first Mondays in February and August, two weeks.

Haskell—Seventh Mondays after first Monday in February and August, three weeks.

Fisher—Tenth Monday after first Mondays in February and August, two weeks.

Scurry—Twelfth Mondays after first Mondays in February and August, two weeks.

Stonewall—Fourteenth Mondays after first Mondays in February and August, until business is disposed of.

Kent and Garza are attached to Scurry for judicial purposes.

The Fiftieth district shall be composed of the counties of Baylor, Knox, Crosby, Floyd, Motley and Hale, and the unorganized counties of King, Dickens, and Lubbock. Courts shall be held as follows:

Crosby—First Mondays in February and August, two weeks.

Hale—Second Mondays in February and August, two weeks.

Floyd—Fifth Mondays after first Mondays in February and August, two weeks.

Motley—Seventh Mondays after first Mondays in February and August, two weeks.

Knox—Ninth Mondays after first Mondays in February and August, three weeks.

Baylor—Twelfth Mondays after first Mondays in February and August, and continue till business is disposed of.

Dickens and Lubbock are attached to Crosby for judicial purposes. Cottle county, when organized, shall become part of the Fiftieth district.

The district judges and attorneys in the Thirty-second and Thirty-ninth districts shall continue as now, and provision is made for appointment of a judge and attorney in the Fiftieth district upon taking effect of this act, and their election thereafter. The bill has an emergency clause.]

By Mr. Gresham:

House bill No. 456, a bill to be entitled "An act to authorize the Galveston and Western Railway company to acquire the property and franchise of the Galveston Air Line Railway company to own, wharves and elevators, and to consolidate with other railway companies in this State."

[The caption fully sets forth the provisions of the bill.]

By Mr. Williamson:

House bill No. 461, a bill to be entitled "An act for the protection of the wool growing interests of the State of Texas, and to repeal chapter 54 of the acts of the Eighteenth legislature, approved April 4, 1883, and chapter 14, of the Nineteenth legislature, approved February 20, 1885."

[The bill provides for the appointment of an inspector of sheep in any county where as many as 500 sheep are owned and assessed for taxes. The inspector shall be well versed in "scab" and other diseases of sheep. He may appoint deputies, who shall also be well versed. The inspector shall give bond of not less than \$1000 or more than \$5000, for faithful and impartial performance of his duty. He and his deputies shall carefully and minutely examine and inspect sheep in his county, whether driven into or through the county, if he has reason to believe said sheep are infected or diseased. Two cents a head is the fee allowed for the inspection of sheep, provided only one cent a head shall be paid for any number over 2000 head. The remaining sections of bill elaborate the powers and duties of the inspectors, and repeals the laws mentioned in the caption.]

By Mr. Wurzbach:

House bill No. 464, a bill to be entitled "An act for the relief of Madam Andrea Castanon de Villaneuva."

[The bill provides a pension of \$150 a year for the beneficiary, better known in history as "Madam Candelaria," of San Antonio. She was a nurse to the sick Texans during the siege of the Alamo.]

By Mr. Batts:

House bill No. 473, a bill to be entitled "An act to amend chapter 1, article 13 of the penal code, by adding thereto article 405a."

[The bill seeks to protect county bridges from fast riding or driving, which offense is punishable by a fine of \$25 to \$100.

By Mr. Baker of Tom Green:

House bill No. 481: A bill to be entitled "An act to amend sections 11, 14 and 15 of an act to amend sections 5, 8, 11, 13, 14, 15 and 22, chapter 99, of an act to provide for the sale of all lands heretofore or hereafter surveyed and

set apart for the benefit of the public free schools, university, and the several asylums, and the lease of such lands and of the public lands of the State, and to prevent the free use, occupancy, unlawful enclosure, or unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefor, approved April 1, 1887, approved April 8, 1889.

[Section 11. Changes the law as it now is so that November the 1st is the time fixed for the payment of interest on school land sales instead of August, and changes the time from January 1st to April 1st, in which to pay after the first default. Also fixes the penalty for default at 20 per cent instead of 50 per cent, as the law now provides.]

Section 14. Changes the term of all leases of lands hereafter made east of the Pecos river to five years instead of ten years, and makes all such leases subject to sale to actual settlers.

Section 15 is so changed that when leases of grazing lands are hereafter made, no actual settler can buy such leased land without putting improvements thereon to value of two hundred dollars, and when ten years leases of lands are already made as grazing lands, which are in fact agricultural lands, the settler must not only put two hundred dollars worth of improvements thereon, but must also establish the fact when called on to do so that such lands were falsely classed as grazing lands.]

By Mr. King, of Bell:

House bill No. 490, a bill to be entitled "An act to validate the sale of section 82, block H, State school lands, situated in Henderson county, located by virtue of certificate No. 141, issued to the W. & N. W. R. R. Co., made by the State land board to P. E. Holmes on May 28, 1865, under act of April 22, 1883, and to authorize patent to issue thereupon in favor of L. H. Davis as assignee upon payment of balance due the State on said sale."

[The caption of the bill fully explains its provisions.]

By Mr. Martin, of Wise:

House bill No. 495, a bill to be entitled "An act to regulate corporations engaged in the business of guaranteeing or acting as security for the fidelity of persons in public or private offices, employments or positions, or the agents of such corporations and prescribing penalties for failure to comply with the provisions thereof."

[No corporation of this character shall be allowed to do business in this State unless it is possessed of at least \$100,000 actual capital stock, and, if the capital stock consists, either in whole or in part, of bonds, mortgages, securities or other property than money, the commissioner of insurance statistics, etc., shall require satisfactory evidence that the market value thereof is at least the above amount. The bill fixes penalties for violation of its provisions.]

By Mr. Gossett:

House bill No. 510, a bill to be entitled "An act to amend article 145, chapter 3, of the revised statutes of Texas."

[The bill provides that on the day for opening said bids, the comptroller shall open the same in the presence of the board of trustees, or such of them as may be present, and shall award to the lowest responsible bidder, the contract or contracts for which he may have bid, provided that such trustees may reject all bids if in their judgment the interest of the state demands it.]

Mr. O'Brien introduced (by request):

House bill No. 517, a bill to be entitled "An act to extend the corporate limits of the city of Beaumont."

[The caption covers the provisions of the bill.]

Vetoed.

By Mr. Rogan, of Caldwell:

House bill No. 522, a bill to be entitled "An act to place certain counties, now under the community system, under the district school system, and to repeal all laws in conflict herewith."

[The bill simply adds Hays to the list of counties under the district system.]

By Mr. Brown:

House bill No. 526, a bill to be entitled "An act to create a more efficient road system for the counties of Grayson and Dallas, in the State of Texas; authorizing the employment of a road commissioner, defining his duties, prescribing penalties for his failure to perform his duties, and further defining the powers of the commissioners' courts of the said counties under this act."

By Mr. Williamson:

House bill No. 538, a bill to be entitled "An act to provide for the issuance and delivery of patents to land

when the legal fee has once been deposited, though since lost by defalcation."

[The caption fully explains the bill.]

By Mr. Williamson:

House bill No. 546, a bill to be entitled "An act to amend section 2 of an act to incorporate the town of Castroville, approved January 16, 1850."

[The provisions of this bill relate to diminishing the city limits.]

By Mr. Swayne:

House bill No. 553, a bill to be entitled "An act to cure defective records and records and certificates of acknowledgments on deeds and other instruments of writing."

[This bill provides that when a deed, etc., has been registered twenty years or more it shall be presumed to be upon lawful authority, etc., the same shall be good and effectual; provided it has been proven or acknowledged.]

By Mr. Lewis:

House bill No. 554, a bill to be entitled "An act amendatory and supplemental to an act entitled 'An act to confer to and confer upon the county court of Nacogdoches county the civil and criminal jurisdiction heretofore belonging to it under the constitution and general laws of the state and to conform the jurisdiction of the district court of said county to such change. Approved February —, 1891.'"

[The amended sections provide that the county court shall have exclusive original jurisdiction over all misdemeanors except the misdemeanors involving official misconduct and except cases in which the highest penalty of fine shall not exceed \$200; and concurrent jurisdiction with that of justices of the peace in criminal cases. The district court of said county of Nacogdoches shall no longer have jurisdiction of misdemeanors except those involving official misconduct and shall no longer have jurisdiction of cases of which the county court, by the provisions of this act, have original jurisdiction. An added section gives the county court power to hear and determine all motions against sheriffs and other officers of the court for failure to pay over money collected or other defalcation, etc.]

By Mr. —:

House bill No. 561, a bill to be entitled "An act to diminish the civil

and criminal jurisdiction of the county court of Menard county."

[The object of the bill is stated in the caption, and has the emergency clause.]

By Mr. Brown:

House bill No. 563, a bill to be entitled an act authorizing principals and surities on different official bonds to be joined as defendants in one and the same suit, and suits on official bonds to be instituted in the name of the State alone."

[The caption fully explains the provisions of the bill.]

By Mr. Baker of Tom Green: House bill No. 562, a bill to be entitled "An act repealing an act to incorporate the town of San Elizario of El Paso county, passed by the Twelfth Legislature," approved April 5, 1871.

[The caption explains the provisions of the bill.]

By Mr. Terrell:

House bill No. 569, a bill to be entitled "An act to restore and confer upon the county court of Travis county the civil and criminal jurisdiction heretofore belonging to said court under the constitution and general laws of the State and to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act."

[The caption fully defines the provisions of this bill.]

By Mr. Baker, of Tom Green:

House bill No. 572, a bill to be entitled "An act to amend section 5 of an act to create the county of Coke out of Tom Green county, and to provide for its organization, approved March 13, 1889."

[The bill attaches the county of Coke to the Fifty-first Judicial District for judicial purposes; to the Eleventh Congressional District, Twenty-eighth Senatorial and Eightieth Representative districts.]

By Mr. Fulton:

House bill No. 574, a bill to be entitled "An act for the protection of certain birds and their eggs, and prescribing penalties for violations of this act."

[The birds sought to be protected are sea gulls, tern, shead-water, egret, heron, and pelican. Punishment, fine of \$5 to \$25.]

By Mr. Rogan, of Brown:

House bill No. 584, a bill to be en-

titled "An act for the relief of J. A. Belvin."

[The bill authorizes the State treasurer to credit Belvin with \$103. payment on a tract of land and improvements made thereon in good faith.]

By Mr. Baker of Tom Green:

House bill No. 590, a bill to be entitled "An act to amend an act entitled an act to grant a new charter to the city of El Paso." Approved March 2, A. D. 1889.

[The purpose of the bill is defined in the caption, and is accompanied by requisite legal notice of intention to apply for its passage. Has the emergency clause.]

By Mr. Womack:

House bill No. 591, being a bill to be entitled "An act to amend section 23 of chapter 67, of the general laws of the state of Texas, approved April 9, 1883," relating to the Twenty-third judicial district.

[Changes time of holding district court in the Twenty-third judicial district, and has the emergency clause.]

By Mr. Crowley:

House bill No. 598, a bill to be entitled "An act to amend the charter of the city of Galveston by amending sections 3, 5, 14, 17, 20, 23, 28, 29, 41, 70, 78, 79, 127, 23, 155, 156 and 157 thereof, and by adding thereto sections 6a, 18a, 39a, 72a, 73a, 78a, 95a, 100a, 128a, 130b, 132c, 164a, 168a, 174 and 175."

[The caption indicates the purposes of the bill.]

By Mr. Selman:

House bill No. 612, a bill to be entitled "An act to amend an act to establish and maintain a system of public free schools for the State of Texas and to amend so much of chapter 25, section 43, of the revised civil statutes Texas as refer to public free schools outside of incorporate cities assuming or having assumed control of their public free schools, and all laws or parts of laws in conflict with this act."

[The bill provides that the county judge shall have, under the direction of the State superintendent, the immediate supervision of all matters pertaining to public education in his county. He shall confer with and counsel teachers and trustees, visit and examine schools, deliver lectures on topics calculated to excite an interest in public education, or secure some one

to do so. He shall organize and hold teachers institutes, and shall approve all vouchers against the school fund of his county. He shall examine all contracts between teachers and trustees in both district and community counties, and if in his judgment, such contracts are proper, he shall approve the same. He shall discharge such other duties as may be prescribed by the State Superintendent. He shall distribute all school blanks and books to the officers and teachers of the public schools. He shall make such annual reports to the State Superintendent as may be required by that officer; provided, that in considering whether he will approve a contract between a teacher and trustees he shall be authorized to consider the amount of salary promised the teacher.

By Mr. Browning of Donley:

House bill No. 621, a bill to be entitled "An act to attach Hutchison county to Roberts county for judicial purposes."

[The caption defines the provisions of the bill.]

By Mr. McKinney:

House bill No. 623, a bill to be entitled "An act to regulate the establishment of quarantine in the state of Texas and in the counties, cities and towns thereof and to repeal all laws and parts of laws in conflict therewith."

[Section 1 empowers the governor to issue his proclamation for quarantine whenever it becomes necessary, to continue as long as public safety may require.]

Section 2 provides for the appointment of state health officer.

Section 3 fixes pay of state health officer at \$10 per day while actively on duty and necessary traveling expenses.

Section 4 empowers the governor to issue his proclamation of quarantine whenever, in the opinion of the state health officer, yellow fever or any other infectious or contagious disease can be guarded against by quarantine, and the state health officer shall see that the restrictions and conditions are strictly enforced. He may establish quarantine also until the Governor can officially take notice and act on same.

Section 5 provides that the quarantine laws shall remain in force and operation on the coast and elsewhere as heretofore, with such changes as

the Governor and state health officer may prescribe.

Section 7 continues the law in regard to local quarantine, with a proviso that provides for the settlement of disputes and differences arising thereupon between local and remote points.

Section 8 requires the state health officer to give a bond in the sum of \$10,000 for the faithful and impartial performances of his duties. His term of office is fixed at two years, subject, however, to removal by the Governor for cause.

Section 8 requires quarantine stations to be established whenever quarantine is declared by any authority for the detention of persons infected, but local quarantine shall be subject to the rules and regulations prescribed by the Governor and state health officer.

Section 9 makes it the duty of the state health officer to furnish persons detained by him with necessary shelter, clothing and subsistence (not including crews of vessels, except such as are removed from infected vessels), and to provide all other things essential for their protection and comfort, and all such expenses authorized by the governor or state health officer shall be paid by the state.

Section 10 provides for the payment of all expenses of general quarantine out of the fund appropriated for quarantine purposes. This includes all quarantine officers, who shall obey the rules prescribed. Regular officers in charge of regular stations are allowed \$10 per day while on duty; temporary officers or those commissioned by the governor to guard against threatened epidemics, etc., shall be allowed \$5 per day and such extra pay for expenses as may be deemed just.

All quarantine officers are authorized to administer oaths to suspects, and false swearing shall be punishable according to the penal code.

Section 11 provides for the appointment by the governor of health officers on the Texas coast where any county, city or town fails or neglects to establish quarantine as prescribed.

Section 12 provides the manner of procedure against any vessel landing from an infected port without a clean bill of health.

Section 13 provides that the payment of a fine shall not act as a release of the vessel.

Section 14 makes it the duty of the county commissioners court to select from the physicians of the county one of high standing who shall be the "county physician," and the powers and duties of said official are set forth in full.

Section 15 prescribes the powers and duties of county commissioners courts whenever in their opinion they have reason to believe their county is threatened with invasion by any contagious or infectious disease, and similar powers are conferred upon chartered cities and towns. These powers look to the establishment of quarantine, pay for same, etc.

Section 16 requires the health officer at Galveston to give bond in the sum of \$10,000 for care and preservation of steam or other vessels at his station, and for faithful performance of duty.

It makes the duty of the Governor and State Health officer, upon completion of disinfecting warehouse at Galveston or other port, to prescribe rules and regulations for disinfection of all vessels, cargoes and passengers coming from infected ports without unnecessary restrictions upon commerce.

Section 17 repeals all conflicting laws, and

Section 18 is the emergency clause.]

By Mr. Wurzbach:

House bill No. 640, a bill to be entitled "An act to amend an act incorporating the city of San Antonio and to validate certain acts thereunder."

Certified notice with affidavit of publisher accompanies the bill, that application will be made to this legislature to amend the charter in the following respects:

Sections 5 and 24 thereof, so as to make the offices of engineer, assessor and marshal appointive instead of elective, and all appointive officers to be made by the council upon the nomination of the mayor.

Section 37. To fill all vacancies in elective offices, by an election by the people, if such vacancy occurs more than nine (9) months before the next general election.

Sec. 43. To change the sinking fund from ten (10) to two (2) per cent per annum, and to validate all bonds heretofore issued as though the charter had provided for a sinking fund of two (2) per cent.

Sec. 45. To authorize the issuance of refunding bonds to refund bonds bearing higher rate of interest or pay-

ing matured bonds, and to validate all refunding bonds heretofore issued, and to change the fiscal year to begin June 1st, and terminate the last of May, following.

Section 48. To make all necessary ordinances and regulations to prevent the spread of any contagious diseases within the city.

Section 55. To regulate and prescribe all duties, powers and compensation of all officers and agents of the city, except the compensation of the mayor, marshal, collector, assessor, treasurer, attorney, engineer and recorder.

Section 98. So as to authorize the punishment for keeping of, suppression or license, taxation, regulation and inspection of all houses of prostitution.

Section 102. To enforce the vaccination of the inmates of all educational and asylum buildings.

Section 119. To repeal the portion thereof allowing the mayor fees for cases tried by him in the recorder's court.

Section 127. To repeal that portion authorizing the council to prescribe the salary of a treasurer.

Sec. 133. To repeal that portion fixing the salary and fees of the engineer.

Sec. 201. To provide for the widening of plazas, squares and parks.

Sec. 203. To provide for the taking of private property for public uses, making a more definite description of the use thereof.

Sec. 227. To provide for the publication of a quarterly exhibit of the financial affairs of the city.

Sec. 249. To fix the salaries of the mayor, auditor, recorder, marshal, attorney, collector, treasurer and engineer.

Sec. 251. To provide for the payment of such salaries.

By Mr. Lowry:

House bill No. 642, a bill to be entitled "An act to restore and confer upon the county court of McCulloch county the civil and criminal jurisdiction heretofore belonging to said court under the constitution and general statutes of the State; to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act."

[The caption explains the bill.]

By Mr. Rogers:

House bill No. 634, a bill to be entitled an act to amend an act entitled "An act to amend section 26, chapter 10, of the extra session of the Eighteenth Legislature, Approved February 6, 1884, being an act to redistrict the state of Texas into judicial districts, and to fix the times for holding courts therein, and to provide for the election of judges and district attorneys," approved March 5, 1889, and to create the Fifty-second judicial district, and to fix the time of holding court therein, and to provide for the appointment of a district judge for said Fifty-second judicial district.

[The object of the bill is to create a new judicial district, the Fifty second, to be composed of the county of Travis, which is made necessary on account of the large amount of business that will accumulate in the district court of Travis county through the enactment of new laws by the present Legislature. Repeals all conflicting laws and has the emergency clause.]

By Mr. Terrell:

House bill No. 636, a bill to be entitled "An act to incorporate the city of Austin, to grant it a new charter and to extend its boundaries."

[The bill changes the features of the original "Austin City Charter Bill" (House bill No. 15) so as to conform to a large extent to the views of the governor, but in many respects the scope of the bill is the same. See synopsis, page 25, of the Journal. Has the emergency clause.]

By Mr. Kirk:

House bill No. 638, a bill to be entitled "An act to create a more efficient road system in Lavaca county and to provide for the appointment of road overseers therein and to define the powers and jurisdiction of the commissioners court of said county in regard thereto."

[Provides for appointment of road overseers by commissioners court; that county convicts not otherwise employed shall labor upon the public roads under such regulations as may be deemed expedient, etc., etc. Has the emergency clause.]

By Mr. Crowley:

House bill No. 639, a bill to be entitled "An act to amend the charter of the city of Galveston by amending

sections 3, 5, 14, 17, 20, 23, 28, 29, 41, 70, 78, 79, 95, 127, 128, 155, 156, 159 thereof, and by adding thereto sections 6a, 18a, 39a, 72a, 73a, 78a, 95a, 100a, 128a, 130a, 182c, 164a, 174 and 175, passed at the present session of the legislature."

[The purpose of the bill is defined in the caption, and it has the emergency clause.]

### SENATE BILLS.

#### SENATE BILLS WHICH PASSED BOTH HOUSES.

Senate bill No. 2, general text book bill.

Senate bill No. 5, general dirt road law.

Senate bill No. 3, providing for revising and publishing the civil and criminal laws.

Senate bill No. 10, in regard to making contracts, limiting the time to sue thereon for a less period than that fixed by law.

Senate bill No. 12, to amend article 182 in relation to the law of attachment.

Senate bill No. 15, to amend article No. 672 validating the location of county seats.

Senate bill No. 16, regulating the time of holding court in the Forty-sixth judicial district.

Senate bill No. 29, for the relief of railway companies having charters made or amended since July 1, 1887, which have not complied to the law.

Senate bill No. 61, to repeal the exception "where the property is in the possession of an executor or administrator" in article 730 of the code of criminal procedure.

Senate bill No. 70, creating the Forty eighth judicial district.

Senate bill No. 85, to amend chapter 1, title 17, of the revised statutes relating to cities.

Senate bill No. 92, authorizing towns and villages incorporated for school purposes to levy taxes for free schools.

Senate bill No. 97, the separate coach bill.

Senate bill No. 100, the corporation law.

Senate bill No. 129, to prescribe the time for holding court in the Thirty-seventh and Forty-eighth judicial districts.

Senate bill No. 147, amending the law in regard to costs paid by the state, the fee bill in regard to sheriffs, constables and clerks.

Senate bill No. 148, providing the manner of collecting the interest and sinking fund on certain bonds.

Substitute Senate bill 159, an act to define, prevent and punish fraud and evasion in the assessment and collection of the public revenue arising upon money in coin, notes or bonds subject to taxation, and to provide a punishment therefor.

Senate bill No 161, to amend the public school law in reference to districts outside of incorporated cities and towns.

Senate bill No. 172, pensioning W. B. Irwin \$150 a year.

Senate bill No. 183, in reference to the commission of appeals.

Senate bill No. 193, to prescribe the time for holding court in the Forty-seventh district.

Senate bill No. 206, concerning the notice to be given in special elections.

Senate bill No. 217, creating Ford county.

Senate bill No. 235, to apportion the federal fund between the Agricultural and Mechanical college and the Prairie View normal college.

Senate bill No. 241, in relation to the dual court in Bexar county, touching on vacancies.

Senate bill No. 245, incorporating the city of Denison.

Senate bill No. 269, reorganizing the Thirtieth judicial district.

Senate bill No. 287, incorporating the city of Waco.

Senate bill No. 295, authorizing the sale of the Missouri, Kansas and Texas railway.

Senate bill No. 298, authorizing and empowering the receipt of the sugar bounty, (Vetoed March 9.)

Senate bill No. 300, to provide for the incorporation of railway companies for the purpose of acquiring and operating any railways sold and to operate and extend same, etc.

Senate bill No. 304, the state revenue agent bill.

Senate bill No. 316, to authorize cities and town to levy taxes and issue bonds for public improvements.

Senate bill No. 323, to authorize cities and towns to compromise their indebtedness and for the appointment of receivers for said incorporations during the pendency of such proceedings.

Senate bill No. 331, authorizing Jewish rabbis to perform marriage ceremonies.



Senate bill No. 335, regulating voting in cities and towns of 5000 inhabitants or more.

Senate bill No. 336, authorizing counties to fund their indebtedness.

Senate bill No. 339, amending Houston's city charter.

Senate bill No. 346, the deep water harbor bill.

Senate bill No. 351, for the punishment of persons for issuing or using any false certificates of sale.

Senate bill No. 359, to incorporate the city of Denison.

Senate bill No. 365, supplementary to the separate coach bill vesting official power in conductors and allowing nurses to travel with their mistresses.

Senate bill No. 367, empowering county attorneys, in certain cases, to appoint assistants.

Senate bill No. 371, the Collin county road law.

Senate bill No. 553, an act to change

the times for holding the district courts in the Second judicial district of the State of Texas, to repeal all laws and parts of laws in conflict with this act, and to provide for the return of all writs and process returnable to the district courts of said counties affected by this act that have been heretofore issued by said courts and that may hereafter be issued before this act shall take effect, and made returnable to the terms of said courts as now fixed by law, and make the same as valid and binding as if no change had been made.

House Joint Resolution No. 23, Joint resolution creating an auditing board to pass on certain claims against the state, and to authorize the governor to direct payment thereof.

House joint resolution No. 1. Joint resolution to amend section 11, article 16, of the constitution of the State of Texas.

Concurrent resolution asking for census of Texas by counties for 1890.